

## Union Calendar No.

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1669

[Report No. 118-]

To amend title 38, United States Code, to make permanent the high technology pilot program of the Department of Veterans Affairs, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2023

Mr. CISCOMANI (for himself, Mr. KHANNA, and Mr. BOST) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY --, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 21, 2023]

# **A BILL**

To amend title 38, United States Code, to make permanent the high technology pilot program of the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “VET–TEC Authoriza-*  
5 *tion Act of 2023”.*

6 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS HIGH TECH-**  
7 **NOLOGY PROGRAM.**

8 *(a) HIGH TECHNOLOGY PROGRAM.—*

9 *(1) IN GENERAL.—Chapter 36 of title 38, United*  
10 *States Code, is amended by adding at the end the fol-*  
11 *lowing new section:*

12 **“§ 3699C. High technology program**

13 *“(a) ESTABLISHMENT.—(1) The Secretary shall carry*  
14 *out a program under which the Secretary provides covered*  
15 *individuals with the opportunity to enroll in high tech-*  
16 *nology programs of education that the Secretary determines*  
17 *provide training or skills sought by employers in a relevant*  
18 *field or industry.*

19 *“(2) Not more than 6,000 covered individuals may*  
20 *participate in the program under this section in any fiscal*  
21 *year.*

22 *“(b) AMOUNT OF ASSISTANCE.—(1) The Secretary*  
23 *shall provide, to each covered individual who pursues a high*  
24 *technology program of education under this section, edu-*  
25 *cational assistance in amounts equal to the amounts pro-*

1 *vided under section 3313(c)(1) of this title, including with*  
2 *respect to the housing stipend described in that section and*  
3 *in accordance with the treatment of programs that are dis-*  
4 *tance learning and programs that are less than half-time.*

5 *“(2) Under paragraph (1), the Secretary shall provide*  
6 *such amounts of educational assistance to a covered indi-*  
7 *vidual for each of the following:*

8 *“(A) A high technology program of education.*

9 *“(B) A second such program if—*

10 *“(i) the second such program begins at least*  
11 *18 months after the covered individual graduates*  
12 *from the first such program; and*

13 *“(ii) the covered individual uses educational*  
14 *assistance under chapter 33 of this title to pur-*  
15 *sue the second such program.*

16 *“(c) CONTRACTS.—(1) For purposes of carrying out*  
17 *subsection (a), the Secretary shall seek to enter into con-*  
18 *tracts with any number of qualified providers of high tech-*  
19 *nology programs of education for the provision of such pro-*  
20 *grams to covered individuals. Each such contract shall pro-*  
21 *vide for the conditions under which the Secretary may ter-*  
22 *minate the contract with the provider and the procedures*  
23 *for providing for the graduation of students who were en-*  
24 *rolled in a program provided by such provider in the case*  
25 *of such a termination.*

1       “(2) *A contract under this subsection shall provide*  
2 *that the Secretary shall pay to a provider—*

3               “(A) *upon the enrollment of a covered individual*  
4 *in the program, 25 percent of the cost of the tuition*  
5 *and other fees for the program of education for the in-*  
6 *dividual;*

7               “(B) *upon graduation of the individual from the*  
8 *program, 25 percent of such cost; and*

9               “(C) *50 percent of such cost upon—*

10                   “(i) *the successful employment of the cov-*  
11 *ered individual for a period—*

12                           “(I) *of 180 days in the field of study*  
13 *of the program; and*

14                           “(II) *that begins not later than 180*  
15 *days following graduation of the covered in-*  
16 *dividual from the program;*

17                           “(ii) *the employment of the individual by*  
18 *the provider for a period of one year; or*

19                           “(iii) *the enrollment of the individual in a*  
20 *program of education to continue education in*  
21 *such field of study.*

22       “(3) *For purposes of this section, a provider of a high*  
23 *technology program of education is qualified if—*

1           “(A) the provider employs instructors whom the  
2           Secretary determines are experts in their respective  
3           fields in accordance with paragraph (5);

4           “(B) the provider has successfully provided the  
5           high technology program for at least one year;

6           “(C) the provider does not charge tuition and  
7           fees to a covered individual who receives assistance  
8           under this section to pursue such program that are  
9           higher than the tuition and fees charged by such pro-  
10          vider to another individual; and

11          “(D) the provider meets the approval criteria de-  
12          veloped by the Secretary under paragraph (4).

13          “(4)(A) The Secretary shall prescribe criteria for ap-  
14          proving providers of a high technology program of edu-  
15          cation under this section.

16          “(B) In developing such criteria, the Secretary may  
17          consult with State approving agencies.

18          “(C) Such criteria are not required to meet the require-  
19          ments of section 3672 of this title.

20          “(D) Such criteria shall include the job placement rate,  
21          in the field of study of a program of education, of covered  
22          individuals who complete such program of education.

23          “(5) The Secretary shall determine whether instructors  
24          are experts under paragraph (3)(A) based on evidence fur-

1 nished to the Secretary by the provider regarding the ability  
2 of the instructors to—

3 “(A) identify professions in need of new employ-  
4 ees to hire, tailor the programs to meet market needs,  
5 and identify the employers likely to hire graduates;

6 “(B) effectively teach the skills offered to covered  
7 individuals;

8 “(C) provide relevant industry experience in the  
9 fields of programs offered to incoming covered indi-  
10 viduals; and

11 “(D) demonstrate relevant industry experience in  
12 such fields of programs.

13 “(6) In entering into contracts under this subsection,  
14 the Secretary shall give preference to a provider of a high  
15 technology program of education—

16 “(A) from which at least 70 percent of graduates  
17 find full-time employment in the field of study of the  
18 program during the 180-day period beginning on the  
19 date the student graduates from the program; or

20 “(B) that offers tuition reimbursement for any  
21 student who graduates from such a program and does  
22 not find employment described in subparagraph (A).

23 “(d) EFFECT ON OTHER ENTITLEMENT.—(1) If a cov-  
24 ered individual enrolled in a high technology program of  
25 education under this section has remaining entitlement to

1 *educational assistance under chapter 30, 32, 33, 34, or 35*  
2 *of this title, entitlement of the individual to educational as-*  
3 *sistance under this section shall be charged at the rate of*  
4 *one month of such remaining entitlement for each such*  
5 *month of educational assistance under this section.*

6       “(2) *The Secretary may not consider enrollment in a*  
7 *high technology program of education under this section to*  
8 *be assistance under a provision of law referred to in section*  
9 *3695 of this title.*

10       “(e) *REQUIREMENTS FOR EDUCATIONAL INSTITU-*  
11 *TIONS.—(1) The Secretary shall not approve the enrollment*  
12 *of any covered individual, not already enrolled, in any high*  
13 *technology programs of education under this section for any*  
14 *period during which the Secretary finds that more than 85*  
15 *percent of the students enrolled in the program are having*  
16 *all or part of their tuition, fees, or other charges paid to*  
17 *or for them by the educational institution or by the Depart-*  
18 *ment of Veterans Affairs under this title or under chapter*  
19 *1606 or 1607 of title 10, except with respect to tuition, fees,*  
20 *or other charges that are paid under a payment plan at*  
21 *an educational institution that the Secretary determines*  
22 *has a history of offering payment plans that are completed*  
23 *not later than 180 days after the end of the applicable term,*  
24 *quarter, or semester.*

1           “(2) *The Secretary may waive a requirement of para-*  
2 *graph (1) if the Secretary determines, pursuant to regula-*  
3 *tions which the Secretary shall prescribe, such waiver to*  
4 *be in the interest of the covered individual and the Federal*  
5 *Government. Not later than 30 days after the Secretary*  
6 *waives such a requirement, the Secretary shall submit to*  
7 *the Committees on Veterans’ Affairs of the Senate and*  
8 *House of Representatives a report regarding such waiver.*

9           “(3)(A)(i) *The Secretary shall establish and maintain*  
10 *a process by which an educational institution may request*  
11 *a review of a determination that the educational institution*  
12 *does not meet the requirements of paragraph (1).*

13           “(ii) *The Secretary may consult with a State approv-*  
14 *ing agency regarding such process or such a review.*

15           “(iii) *Not later than 180 days after the Secretary es-*  
16 *tablishes or revises a process under this subparagraph, the*  
17 *Secretary shall submit to the Committees on Veterans’ Af-*  
18 *fairs of the Senate and House of Representatives a report*  
19 *regarding such process.*

20           “(B) *An educational institution that requests a review*  
21 *under subparagraph (A)—*

22                 “(i) *shall request the review not later than 30*  
23 *days after the start of the term, quarter, or semester*  
24 *for which the determination described in subpara-*  
25 *graph (A) applies; and*

1           “(i) may include any information that the edu-  
2           cational institution believes the Department should  
3           have taken into account when making the determina-  
4           tion, including with respect to any mitigating cir-  
5           cumstances.

6           “(f) ANNUAL REPORTS.—Not later than one year after  
7           the date of the enactment of this section, and annually  
8           thereafter until the termination date specified in subsection  
9           (i), the Secretary shall submit to the Committees on Vet-  
10          erans’ Affairs of the Senate and House of Representatives  
11          a report on the operation of program under this section dur-  
12          ing the year covered by the report. Each such report shall  
13          include each of the following:

14               “(1) The number of covered individuals enrolled  
15               in the program, disaggregated by type of educational  
16               institution, during the year covered by the report.

17               “(2) The number of covered individuals who  
18               completed a high technology program of education  
19               under the program during the year covered by the re-  
20               port.

21               “(3) The average employment rate of covered in-  
22               dividuals who completed such a program of education  
23               during such year, as of 180 days after the date of  
24               completion.

1           “(4) *The average length of time between the com-*  
2           *pletion of such a program of education and employ-*  
3           *ment.*

4           “(5) *The total number of covered individuals*  
5           *who completed a program of education under the pro-*  
6           *gram and who, as of the date of the submission of the*  
7           *report, are employed in a position related to tech-*  
8           *nology.*

9           “(6) *The average salary of a covered individual*  
10          *who completed a program of education under the pro-*  
11          *gram and who is employed in a position related to*  
12          *technology, in various geographic areas determined by*  
13          *the Secretary.*

14          “(7) *The average salary of all individuals em-*  
15          *ployed in positions related to technology in the geo-*  
16          *graphic areas determined under subparagraph (F),*  
17          *and the difference, if any, between such average sal-*  
18          *ary and the average salary of a covered individual*  
19          *who completed a program of education under the pro-*  
20          *gram and who is employed in a position related to*  
21          *technology.*

22          “(8) *The number of covered individuals who*  
23          *completed a program of education under the program*  
24          *and who subsequently enrolled in a second program*  
25          *of education under the program.*

1           “(g) *COLLECTION OF INFORMATION; CONSULTATION.*—

2   (1) *The Secretary shall develop practices to use to collect*  
3 *information about covered individuals and providers of*  
4 *high technology programs of education.*

5           “(2) *For the purpose of carrying out program under*  
6 *this section, the Secretary may consult with providers of*  
7 *high technology programs of education and may establish*  
8 *an advisory group made up of representatives of such pro-*  
9 *viders, private employers in the technology field, and other*  
10 *relevant groups or entities, as the Secretary determines nec-*  
11 *essary.*

12           “(h) *DEFINITIONS.*—*In this section:*

13           “(1) *The term ‘covered individual’ means any of*  
14 *the following:*

15           “(A) *A veteran whom the Secretary deter-*  
16 *mines—*

17           “(i) *served an aggregate of at least 36*  
18 *months on active duty in the Armed Forces*  
19 *(including service on active duty in entry*  
20 *level and skill training) and was discharged*  
21 *or released therefrom under conditions other*  
22 *than dishonorable; and*

23           “(ii) *has not attained the age of 62.*

24           “(B) *A member of the Armed Forces that*  
25 *the Secretary determines will become a veteran*

1           *described in subparagraph (A) fewer than 180*  
2           *days after the date of such determination.*

3           “(2) *The term ‘high technology program of edu-*  
4           *cation’ means a program of education—*

5                     “(A) *offered by a public or private edu-*  
6                     *cational institution;*

7                     “(B) *if offered by an institution of higher*  
8                     *learning, that is provided directly by such insti-*  
9                     *tution rather than by an entity other than such*  
10                    *institution under a contract or other agreement;*

11                    “(C) *that does not lead to a degree;*

12                    “(D) *that has a term of not less than six*  
13                    *and not more than 28 weeks; and*

14                    “(E) *that provides instruction in computer*  
15                    *programming, computer software, media appli-*  
16                    *cation, data processing, or information sciences.*

17           “(i) *TERMINATION.—The authority to carry out a pro-*  
18           *gram under this section shall terminate on September 30,*  
19           *2028.”.*

20                    (2) *CLERICAL AMENDMENT.—The table of sec-*  
21                    *tions at the beginning of such chapter is amended by*  
22                    *inserting after the item relating to section 3699B the*  
23                    *following new item:*

                  “3699C. *High technology program.*”.

24                    (b) *EFFECT ON HIGH TECHNOLOGY PILOT PRO-*  
25                    *GRAM.—Section 116 of the Harry W. Colmery Veterans*

1 *Educational Assistance Act of 2017 (Public Law 115–48;*  
2 *38 U.S.C. 3001 note) is amended—*

3 *(1) in subsection (g), by striking paragraph (6);*

4 *and*

5 *(2) by striking subsection (h) and inserting the*  
6 *following new subsection (h):*

7 *“(h) TERMINATION.—The authority to carry out a*  
8 *pilot program under this section shall terminate on Sep-*  
9 *tember 30, 2023.”.*

10 *(c) APPROVAL OF CERTAIN HIGH TECHNOLOGY PRO-*  
11 *GRAMS.—Section 3680A of title 38, United States Code, is*  
12 *amended—*

13 *(1) in subsection (a), by striking paragraph (4)*  
14 *and inserting the following:*

15 *“(4) Any independent study program except—*

16 *“(A) an independent study program (in-*  
17 *cluding such a program taken over open circuit*  
18 *television) that—*

19 *“(i) is accredited by an accrediting*  
20 *agency or association recognized by the Sec-*  
21 *retary of Education under subpart 2 of part*  
22 *H of title IV of the Higher Education Act*  
23 *of 1965 (20 U.S.C. 1099b);*

24 *“(ii) leads to—*

25 *“(I) a standard college degree;*

1           “(II) a certificate that reflects  
2           educational attainment offered by an  
3           institution of higher learning; or

4           “(III) a certificate that reflects  
5           graduation from a course of study of-  
6           fered by—

7                   “(aa) an area career and  
8                   technical education school (as de-  
9                   fined in subparagraphs (C) and  
10                  (D) of section 3(3) of the Carl D.  
11                  Perkins Career and Technical  
12                  Education Act of 2006 (20 U.S.C.  
13                  2302(3))) that provides education  
14                  at the postsecondary level; or

15                   “(bb) a postsecondary voca-  
16                   tional institution (as defined in  
17                   section 102(c) of the Higher Edu-  
18                   cation Act of 1965 (20 U.S.C.  
19                   1002(c))) that provides education  
20                   at the postsecondary level; and

21                   “(iii) in the case of a program de-  
22                   scribed in clause (ii)(III)—

23                           “(I) provides training aligned  
24                           with the requirements of employers in  
25                           the State or local area where the pro-

1 *gram is located, which may include in-*  
2 *demand industry sectors or occupa-*  
3 *tions;*

4 *“(II) provides a student, upon*  
5 *graduation from the program, with a*  
6 *recognized postsecondary credential*  
7 *that is recognized by employers in the*  
8 *relevant industry, which may include*  
9 *a credential recognized by industry or*  
10 *sector partnerships in the State or*  
11 *local area where the industry is lo-*  
12 *cated; and*

13 *“(III) meets such content and in-*  
14 *structional standards as may be re-*  
15 *quired to comply with the criteria*  
16 *under section 3676(c)(14) and (15) of*  
17 *this title; or*

18 *“(B) an online high technology program of*  
19 *education (as defined in subsection (h)(2) of sec-*  
20 *tion 3699C of this title)—*

21 *“(i) the provider of which has entered*  
22 *into a contract with the Secretary under*  
23 *subsection (c) of such section;*

24 *“(ii) that has been provided to covered*  
25 *individuals (as defined in subsection (h)(1)*

1                   of such section) under such contract for a  
2                   period of at least five years;

3                   “(iii) regarding which the Secretary  
4                   has determined that the average employ-  
5                   ment rate of covered individuals who grad-  
6                   uated from such program of education is 65  
7                   percent or higher for the year preceding  
8                   such determination; and

9                   “(iv) that satisfies the requirements of  
10                  subsection (e) of such section.”; and

11                  (2) in subsection (d), by adding at the end the  
12                  following:

13                  “(8) Paragraph (1) shall not apply to the enrollment  
14                  of a veteran in an online high technology program described  
15                  in subsection (a)(4)(B).”.

16                  (d) *EFFECTIVE DATE.*—The amendments made by  
17                  subsections (a) and (c) shall take effect on October 1, 2023.

18       **SEC. 3. BURIAL ALLOWANCE FOR CERTAIN VETERANS WHO**  
19                               **DIE AT HOME WHILE IN RECEIPT OF HOSPICE**  
20                               **CARE FURNISHED BY DEPARTMENT OF VET-**  
21                               **ERANS AFFAIRS.**

22                  (a) *IN GENERAL.*—Subsection (a)(2)(A) of section  
23                  2303 of title 38, United States Code, is further amended—

24                   (1) in clause (i), by striking “; or” and inserting  
25                   a semicolon;

1           (2) *in clause (ii)(III), by striking the period at*  
2           *the end and inserting “; or”; and*

3           (3) *by adding at the end the following new*  
4           *clause:*

5                   “(iii) *a home or other setting at which the*  
6                   *deceased veteran was, at the time of death, re-*  
7                   *ceiving hospice care pursuant to section 1717(a)*  
8                   *of this title if such care was directly preceded by*  
9                   *the Secretary furnishing to the veteran hospital*  
10                   *care or nursing home care described in subclause*  
11                   *(I), (II), or (III) of clause (ii).”.*

12           (b) *APPLICABILITY.—The amendments made by sub-*  
13           *section (a) shall take effect on the date of the enactment*  
14           *of this Act and apply with respect to deaths occurring on*  
15           *or after the date that is 180 days after the date of the enact-*  
16           *ment of this Act.*

17           **SEC. 4. INCLUSION OF NON-DEGREE FLIGHT TRAINING IN**  
18                               **CERTAIN REHABILITATION PROGRAMS FOR**  
19                               **CERTAIN VETERANS WITH SERVICE-CON-**  
20                               **NECTED DISABILITIES.**

21           *Section 3101 of title 38, United States Code, is amend-*  
22           *ed—*

23                   (1) *in paragraph (7), by adding at the end the*  
24                   *following: “A rehabilitation program may include a*

1        *program that includes flight training and does not*  
2        *lead to a degree.”; and*

3                *(2) by redesignating the first paragraph (10) as*  
4        *paragraph (1).*

5        **SEC. 5. SOLE LIABILITY FOR TRANSFERRED EDUCATIONAL**  
6                **ASSISTANCE BY AN INDIVIDUAL WHO FAILS**  
7                **TO COMPLETE A SERVICE AGREEMENT.**

8        *Subsection (i) of section 3319 of title 38, United States*  
9        *Code, is amended—*

10                *(1) in paragraph (1)—*

11                        *(A) by striking “In the event” and inserting*  
12                        *“Subject to paragraph (2), in the event”; and*

13                        *(B) by inserting “of this title” after “section*  
14                        *3685”;*

15                *(2) in subparagraph (A) of paragraph (2)—*

16                        *(A) in the heading, by striking “IN GEN-*  
17                        *ERAL” and inserting “SOLE LIABILITY”; and*

18                        *(B) by striking “under paragraph (1)” and*  
19                        *inserting “for which the individual shall be sole-*  
20                        *ly liable to the United States for the amount of*  
21                        *the overpayment for purposes of section 3685 of*  
22                        *this title”; and*

23                *(3) in subparagraph (B) of paragraph (2)—*

24                        *(A) in the matter preceding clause (i), by*  
25                        *striking “Subparagraph (A) shall not apply”*

1           *and inserting “Neither the individual nor the de-*  
2           *pendent shall be liable to the United States for*  
3           *the amount of the overpayment for purposes of*  
4           *section 3685 of this title”;* and

5                   *(B) in clause (ii), by inserting “of this*  
6           *title” after “section 3311(c)(4)”.*

7   **SEC. 6. INCREASE OF DEPARTMENT OF VETERANS AFFAIRS**  
8                   **EDUCATIONAL ASSISTANCE FOR PROGRAMS**  
9                   **OF EDUCATION IN REPUBLIC OF PHIL-**  
10                  **IPPINES.**

11           *(a) SHORT TITLE.—This section may be cited as the*  
12           *“Filipino Education Fairness Act”.*

13           *(b) INCREASE.—Section 3532 of title 38, United States*  
14           *Code, is amended—*

15                   *(1) by striking subsection (d); and*

16                   *(2) by redesignating subsections (e) through (g)*  
17           *as subsections (d) through (f), respectively.*

18   **SEC. 7. PROVISION OF CERTIFICATES OF ELIGIBILITY AND**  
19                   **AWARD LETTERS USING ELECTRONIC MEANS.**

20           *Chapter 36 of title 38, United States Code, is amended*  
21           *by inserting after section 3698 the following new section*  
22           *(and conforming the table of sections at the beginning of*  
23           *such chapter accordingly):*

1 **“§ 3698A. Provision of certificates of eligibility and**  
2 **award letters using electronic means**

3 “(a) *REQUIREMENT.—Except as provided by sub-*  
4 *section (b), the Secretary shall provide to an individual the*  
5 *following documents using electronic means:*

6 “(1) *A certificate of eligibility for the entitlement*  
7 *of the individual to covered educational assistance.*

8 “(2) *An award letter regarding the authorization*  
9 *of the individual to receive covered educational assist-*  
10 *ance.*

11 “(b) *ELECTION TO OPT OUT.—An individual may*  
12 *elect to receive the documents specified in subsection (a) by*  
13 *mail rather than through electronic means under subsection*  
14 *(a). An individual may revoke such an election at any time,*  
15 *by means prescribed by the Secretary.*

16 “(c) *COVERED EDUCATIONAL ASSISTANCE.—In this*  
17 *section, the term ‘covered educational assistance’ means*  
18 *educational assistance under chapter 30, 33, or 35, or sec-*  
19 *tion 3699C, of this title.”.*

20 **SEC. 8. DEPARTMENT OF VETERANS AFFAIRS HOUSING**  
21 **LOAN FEES.**

22 *The loan fee table in section 3729(b)(2) of title 38,*  
23 *United States Code, is amended by striking “November 14,*  
24 *2031” each place it appears and inserting “April 30,*  
25 *2032”.*